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July 12, 2016

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Honorable Donna Ryu
United States District Court
Northern District of California
Oakland Courthouse, Courtroom 4
1301 Clay Street, Third Floor
Oakland, CA 94612

Re: *Tindle, et al. v. City of Daly City, et al.*
Case No. 3:13-cv-13-02449 HSG

Dear Judge Ryu:

Regrettably, defendants are currently unable to commit to dates certain for depositions at this time due to an uncertain trial calendar. As we informed the court last week, counsel for defendants was set to begin a three week trial in Southern California on July 11, 2016. Since our initial appearance we have been in discovery hearings and have been ordered to appear this Wednesday, July 13, 2016, for a further trial readiness conference and then again on Friday, July 15, 2016, in San Diego County Superior Court for trial call. This is a state court matter where preference has been granted pursuant to California Code of Civil Procedure 36. Pursuant to that code, the case cannot be continued any further. Unfortunately, we will not be able to commit to a date certain until we have been assigned to a trial courtroom and receive a trial schedule. At this time, defense counsel does not know if it will be available next week or in three weeks. Counsel for defendants has been diligent in pursuing plaintiffs' depositions and plaintiffs' repeated violations of discovery orders have unfairly prejudiced defendants in this matter. Defendants request this additional time for scheduling so that it can ensure that counsel will actually be available to take and defend the depositions.

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Defendants respectfully request an additional week to be able to work with plaintiffs to create a deposition schedule for all depositions. It also appears that, to no fault of defendants, it will be not be possible to complete all of the depositions prior to the close of discovery and we will likely need to seek an extension of that discovery deadlines.

Thank you,

/s/ Ryan Kujawski

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